

Mary L Sanders - Testimony for the Judiciary Committee - March 12, 2012
S.B.364 - An Act Concerning Traffic Stop Information

Since the Alvin W. Penn Act was originally passed into law so many years ago it has undergone a number of revisions and amendments. Unfortunately, after numerous attempts to get right, it's still not working. It's no one in particular's fault and it's the fault of many. But this is not the time to point fingers; it's a time to analyze past efforts, identify gaps, and take corrective action ... all politics aside ... for the good of our state!

Transferring enforcement responsibility, and attempting to improve compliance with federal and state anti-profiling laws since Penn originally passed have failed to protect large segments of CT motorists. During the past year CT has been in the spotlight after the abuse in East Haven was finally exposed; and let's not forget about the embarrassing incident involving our own State Treasurer, Denise Nappier. How many other situations have not been exposed? How many others are being harassed and/or abused but are afraid to come forward? I know that at the Spanish Speaking Center of New Britain we have clients who are law abiding citizens tell us about some very abusive experiences while being stopped, but who are hesitant to file formal complaints.

It could be small numbers of perpetrators, but let's identify the problem officers or departments and take corrective action for the sake of the law abiding motorists affected, and for the credibility of the rest of law enforcement in CT and across the nation.

The changes recommended by the Community Party after much study of the current law and its flaws are as follows:

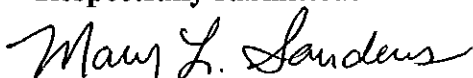
- We propose adding categories such as 'Religion and Sexual Orientation as protected classes and incorporating a "Not visible" box to be checked off if the officer clearly cannot identify a category. After conversations with members of persecuted groups in these categories we find that they truly need these protections and it would be unfair not to include them in these revisions;
- Motorist should only be asked for their license, registration, and proof of insurance. Their passengers should not be asked for identification or immigration status unless they are being arrested for criminal activity;
- The motorist should get a copy of the Traffic Stop Report. The form must include the officer's name or badge # as well as information on where to file a profiling complaint should they so desire. This will cause little additional work for the officers as they should already be filling out the Traffic Stop Reports for everyone they pull over. Some people have suggested it wouldn't be good for motorists to get this copy, that it might even deter them from filing complaints. Even if that were the case it is not the motorists' responsibility to police the police! It's your responsibility and you need clean, honest data to do that.

- Confidential complaints of profiling or police abuse should be filed with a third party, not the local law enforcement. They should not investigate their own; it's a conflict of interest and most people would be hesitant to complain to the same entity which they feel has violated their rights. Some may fear retaliation. I'd be willing to bet that the numbers of people who have complained during the years are but a tiny fraction of those who have been innocent of any crimes but harassed nevertheless.
- As the responsibility for the enforcement of this law has been moved from departments to individuals to commissions with little improvement through the years, there should be a "Penn Oversight Committee", made up of different stakeholders including: the 3 minority commissions, AAAC, LPRAC, and APAAC; legislators, law enforcement, Chief State's Attorney and 2 community representatives and others as seen fit. The Minority Commissions have all indicated that they want to be involved in this for the protection of their respected communities. This group would meet quarterly or more frequently as needed to oversee the process, review and recommend changes not needing legislative action and would increase accountability. It would also lend credibility to the process helping the state qualify for any federal money available.

I cannot understand how grant money earmarked for the enforcement of Racial Profiling laws, sat there for years untapped, while blatant profiling was publicly acknowledged in numerous situations. Gov. Malloy himself stated that he didn't know why the previous administration did not utilize these funds, but that he surely intended to do so. So I ask you, "Shouldn't CT have the strongest protections possible for all motorists potentially subject to profiling? Won't the federal grant money already available allow us to finally comply with federal anti-profiling laws? As we worry about oppression and work to end abuse in other parts of the world, let's set an example right here, of what true and equitable application of human rights practices look like.

I hope you do the right thing and pass the amendments that Community Party has submitted. A lot of study, conversations and soul searching went into the development of these recommendations in order to present you with something comprehensive, feasible, ethical, and practical. I see us as partners, wanting the best for the residents of this state. Let CT lead the way in truly protecting all law abiding motorists from illegal profiling while protecting our cities from unnecessary lawsuits.

Respectfully submitted:



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